

REMARKS

Claims 1-9 are pending, with claims 1 and 8 being the independent claims. Claims 1, 8 and 9 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application, as amended, is respectfully requested.

In the Office Action dated July 27, 2005 claims 1-7 were rejected under 35 U.S.C. §112, 1st paragraph, as failing to comply with the written description. Specifically, the Examiner has stated that the limitation “upon an occurrence of the admission control of requests for bearers that are allowed to comprise controllable load components and non-controllable load components” on page 2, line 8-10 is not supported by the specification. Applicant respectfully wishes to point out that the limitation was not added to the claims. The limitation was merely moved from the preamble of the originally filed claim to the main body of the claim. In any event, Applicant has amended claim 1 such the limitation has been reinserted into its original place in the preamble of claim 1. Accordingly, the limitation is supported by the originally filed specification. Withdrawal of the rejection is therefore in order.

In the Office Action dated July 27, 2005, independent claims 1 and 8, and dependent claims 2-7 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,497,504 (“*Acampora*”).

Independent claim 8 has been amended to recite the limitations “testing a bearer request with a first kind of test that sets same criteria in a similar way for all bearer requests ... and ... wherein said first kind of test monitors non-controllable load components, and said second kind of test monitors bearers that present to the network a non-controllable load component which exceeds a predefined threshold...” No new matter has been added.

Acampora relates to call admission and connection controls in mobile communications systems (see col. 1, lines 5-8). *Acampora* states, cells in a mobile communications system are grouped in one or more cell clusters. Each cell-cluster is assigned a cell-cluster controller for controlling admission of new calls. Each cell-cluster controller is capable of receiving call requests from the cell-cluster assigned thereto. The call requests include requests for establishing new wireless connections of different connection types. These connection types are indicative of at least priorities of use of wireless channels in the mobile communications system (see col. 2, lines 41-50).

Acampora fails to teach the present claimed invention. Specifically, *Acampora* fails to teach the step of “testing a bearer request with a first kind of test that sets criteria for non-

controllable traffic load components in a similar way for all bearer requests upon an occurrence of [an] admission control of requests for bearers that are allowed to comprise controllable load components and non-controllable load components,” as recited in amended method claim 1.

Acampora teaches a two part test (see Fig. 5 and col. 7, line 35 to col. 8, line 13). The first test of *Acampora* is a simple check on the number of connections that are already admitted to the network (ref. designations 505, 507 and 509). If a connection of a specific type has been requested and a maximum number of connections of that type already exists, the access request is immediately refused. The second test, at step 515, checks to determine whether “local policies” are satisfied. *Acampora* (col. 7 line 65 to col. 8, line 3) teaches that the “local policies” include “the sharing and scheduling policies of the different call classes in the cell”. In other words, even if a cell could accommodate a connection of a specific type by looking at just the number of connections of that type, it is possible for a predefined amount or form of allocatable radio capacity in a pool of resources fixed for that type of connections to not exist, in which case the admission control algorithm again refuses the access request.

Acampora fails to teach any differentiation between the controllable or non-controllable load components represented by the access request. *Acampora* simply handles the access request as a representative of the bulk of a connection of a certain type. The access request is either granted as a whole or refused, which means that the connection is either provided with all the capacity it requested or is provided with none.

Acampora (col. 7, lines 42-43) teaches that the admission control algorithm first classifies the request according to what type of a connection is requested when a new connection request occurs. *Acampora* (fig. 5; step 503) clearly indicates how this query is established as the very first step of the procedure. After the requested connection type is known, *Acampora* (step 509) teaches that a check is performed to determine whether the maximum number of connections of a particular type has been reached. The Examiner contends that this is the “first test” recited in Applicant’s claim 1 when the teachings of *Acampora* are compared to the present invention. If the maximum number of connections of the particular type was not reached, *Acampora* teaches (step 515) that the admission control algorithm proceeds to the step of additionally checking local policies, which the Examiner equates with Applicant’s “second test”.

However, *Acampora* (col. 6, lines 45-48) teaches that three admission control algorithms are actually executed in parallel; one for each connection type A, B and C. Here, after a new connection request related to a type B connection, for example, has been identified, all

subsequent steps pursuant to admission control are only concerned with the relation of the new connection request to the existing type B connections.

The present invention, on the other hand, applies the first test equally to all new bearer requests. Suffice it to say that prior to performing any classification into connection types or the like, a check is performed to determine whether there is room for the new connection. If this first test is passed, only then is any “classifying” of the request performed, in the sense that the test of the second kind only concerns those requests that would require a relatively large amount of resources.

The Examiner applies a quite abstract, concept-level interpretation according to which step 509 in *Acampora* would be the same for all requests, since step 509 is a simple check against a maximum allowed number of connections of the appropriate type. However, Applicant wishes to point out that, in general, *Acampora* teaches that the limit is different for types of connections that differ. *Acampora* (col. 7, lines 54-59) teaches that requests for a type A connection are checked against the maximum number of type A connections and requests for a type B connection or a type C connection are checked against the maximum number of type B or type C connections, respectively. The maximum number of type A connections does not have any significance at all in checking whether there are too many preexisting type B or type C connections. That is, the three tests of the first kind at step 509 disclosed in *Acampora* are completely independent of each other, and as such do not constitute any common test of a first kind.

Amended independent claim 1 requires that, in the first test, exactly the same decision criteria is applied to all requests. This occurs independently of what type of connection is considered. *Acampora* fails to disclose any first kind of test that would set the same criteria in a similar way for all bearer requests. Rather, *Acampora* sets different criteria for requests related to type A, type B and type C connections, because there is a different, separately defined maximum number for the different types of connections. Hence, *Acampora* fails to teach or suggest anything that could be interpreted as steps associated with the controllability or non-controllability of load components, as set forth in amended independent method claim 1.

In view of the foregoing, amended method claim 1 is patentable over *Acampora*, and therefore reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b) are in order, and a notice to that effect is earnestly solicited.

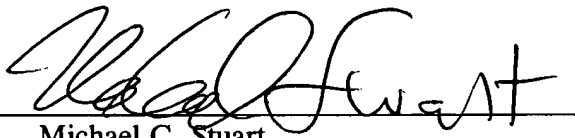
Independent claim 1 has been amended in a manner corresponding to method claim 1. Independent claim 8 is the system claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 8 is patentable over *Acampora* for the reasons discussed above with respect to independent method claim 1.

Based on the patentability of independent claims 1 and 8, for the reasons set forth above, dependent claims 2-7 and 9 are also patentable over the cited prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,

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